

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE APRIL 7, 2005

**SENATE BILL**

**No. 218**

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**Introduced by Senator Scott**

February 10, 2005

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An act to amend Section 366.26 of the Welfare and Institutions Code, relating to termination of parental rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 218, as amended, Scott. Termination of parental rights: prospective adoptive parents.

Existing law provides that if the court, by order or judgment, declares a child free from the custody and control of both parents, or one parent if the other does not have custody and control, the court shall at the same time order the child referred to the State Department of Social Services or a licensed adoption agency for adoptive placement by the agency. Existing law provides that the State Department of Social Services or licensed adoption agency shall be responsible for the custody and supervision of the child and shall be entitled to the exclusive care and control of the child at all times until a petition for adoption is granted.

This bill would create an exception to that provision if the child is living with a caretaker who has been designated by the court as a prospective adoptive parent. The bill would authorize a court to designate a current caretaker as a prospective adoptive parent if the child has lived with the caretaker for at least 6 months, the caretaker has expressed a commitment to adopt the child, and the caretaker has taken at least one step to facilitate the adoption, as specified. The bill would further provide that a child living in the home of a designated prospective adoptive parent may only be removed from that home

after a noticed hearing in which the court finds that removal from the home is in the child's best interest, except as specified. *The bill would require the Judicial Council to prepare forms to facilitate the filing of petitions under these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 366.26 of the Welfare and Institutions  
2 Code is amended to read:

3 366.26. (a) This section applies to children who are adjudged  
4 dependent children of the juvenile court pursuant to subdivision  
5 (c) of Section 360. The procedures specified herein are the  
6 exclusive procedures for conducting these hearings; Part 2  
7 (commencing with Section 3020) of Division 8 of the Family  
8 Code is not applicable to these proceedings. Section 8714.7 of  
9 the Family Code is applicable and available to all dependent  
10 children meeting the requirements of that section, if the  
11 postadoption contact agreement has been entered into  
12 voluntarily. For children who are adjudged dependent children of  
13 the juvenile court pursuant to subdivision (c) of Section 360, this  
14 section and Sections 8604, 8605, 8606, and 8700 of the Family  
15 Code and Chapter 5 (commencing with Section 7660) of Part 3  
16 of Division 12 of the Family Code specify the exclusive  
17 procedures for permanently terminating parental rights with  
18 regard to, or establishing legal guardianship of, the child while  
19 the child is a dependent child of the juvenile court.

20 (b) At the hearing, that shall be held in juvenile court for all  
21 children who are dependents of the juvenile court, the court, in  
22 order to provide stable, permanent homes for these children, shall  
23 review the report as specified in Section 361.5, 366.21, or  
24 366.22, shall indicate that the court has read and considered it,  
25 shall receive other evidence that the parties may present, and then  
26 shall make findings and orders in the following order of  
27 preference:

28 (1) Terminate the rights of the parent or parents and order that  
29 the child be placed for adoption and, upon the filing of a petition  
30 for adoption in the juvenile court, order that a hearing be set. The

1 court shall proceed with the adoption after the appellate rights of  
2 the natural parents have been exhausted.

3 (2) On making a finding under paragraph (3) of subdivision  
4 (c), identify adoption as the permanent placement goal and order  
5 that efforts be made to locate an appropriate adoptive family for  
6 the child within a period not to exceed 180 days.

7 (3) Appoint a legal guardian for the child and order that letters  
8 of guardianship issue.

9 (4) Order that the child be placed in long-term foster care,  
10 subject to the periodic review of the juvenile court under Section  
11 366.3.

12 In choosing among the above alternatives the court shall  
13 proceed pursuant to subdivision (c).

14 (c) (1) If the court determines, based on the assessment  
15 provided as ordered under subdivision (i) of Section 366.21 or  
16 subdivision (b) of Section 366.22, and any other relevant  
17 evidence, by a clear and convincing standard, that it is likely the  
18 child will be adopted, the court shall terminate parental rights and  
19 order the child placed for adoption. The fact that the child is not  
20 yet placed in a preadoptive home nor with a relative or foster  
21 family who is prepared to adopt the child, shall not constitute a  
22 basis for the court to conclude that it is not likely the child will  
23 be adopted. A finding under subdivision (b) or paragraph (1) of  
24 subdivision (e) of Section 361.5 that reunification services shall  
25 not be offered, under subdivision (e) of Section 366.21 that the  
26 whereabouts of a parent have been unknown for six months or  
27 that the parent has failed to visit or contact the child for six  
28 months or that the parent has been convicted of a felony  
29 indicating parental unfitness, or, under Section 366.21 or 366.22,  
30 that the court has continued to remove the child from the custody  
31 of the parent or guardian and has terminated reunification  
32 services, shall constitute a sufficient basis for termination of  
33 parental rights unless the court finds a compelling reason for  
34 determining that termination would be detrimental to the child  
35 due to one or more of the following circumstances:

36 (A) The parents or guardians have maintained regular  
37 visitation and contact with the child and the child would benefit  
38 from continuing the relationship.

39 (B) A child 12 years of age or older objects to termination of  
40 parental rights.

1 (C) The child is placed in a residential treatment facility,  
2 adoption is unlikely or undesirable, and continuation of parental  
3 rights will not prevent finding the child a permanent family  
4 placement if the parents cannot resume custody when residential  
5 care is no longer needed.

6 (D) The child is living with a relative or foster parent who is  
7 unable or unwilling to adopt the child because of exceptional  
8 circumstances, that do not include an unwillingness to accept  
9 legal or financial responsibility for the child, but who is willing  
10 and capable of providing the child with a stable and permanent  
11 environment and the removal of the child from the physical  
12 custody of his or her relative or foster parent would be  
13 detrimental to the emotional well-being of the child. This  
14 subparagraph does not apply to any child who is living with a  
15 nonrelative and who is either (i) under six years of age or (ii) a  
16 member of a sibling group where at least one child is under six  
17 years of age and the siblings are, or should be, permanently  
18 placed together.

19 (E) There would be substantial interference with a child's  
20 sibling relationship, taking into consideration the nature and  
21 extent of the relationship, including, but not limited to, whether  
22 the child was raised with a sibling in the same home, whether the  
23 child shared significant common experiences or has existing  
24 close and strong bonds with a sibling, and whether ongoing  
25 contact is in the child's best interest, including the child's  
26 long-term emotional interest, as compared to the benefit of legal  
27 permanence through adoption.

28 If the court finds that termination of parental rights would be  
29 detrimental to the child pursuant to subparagraph (A), (B), (C),  
30 (D), or (E), it shall state its reasons in writing or on the record.

31 (2) The court shall not terminate parental rights if at each and  
32 every hearing at which the court was required to consider  
33 reasonable efforts or services, the court has found that reasonable  
34 efforts were not made or that reasonable services were not  
35 offered or provided.

36 (3) If the court finds that termination of parental rights would  
37 not be detrimental to the child pursuant to paragraph (1) and that  
38 the child has a probability for adoption but is difficult to place for  
39 adoption and there is no identified or available prospective  
40 adoptive parent, the court may identify adoption as the

1 permanent placement goal and without terminating parental  
2 rights, order that efforts be made to locate an appropriate  
3 adoptive family for the child within a period not to exceed 180  
4 days. During this 180-day period, the public agency responsible  
5 for seeking adoptive parents for each child shall, to the extent  
6 possible, ask each child who is 10 years of age or older who is  
7 placed in a group home for six months or longer from the date  
8 the child entered foster care, to identify any individuals, other  
9 than the child's siblings, who are important to the child, in order  
10 to identify potential adoptive parents. The public agency may ask  
11 any other child to provide that information, as appropriate.  
12 During the 180-day period, the public agency shall, to the extent  
13 possible, contact other private and public adoption agencies  
14 regarding the availability of the child for adoption. During the  
15 180-day period, the public agency shall conduct the search for  
16 adoptive parents in the same manner as prescribed for children in  
17 Sections 8708 and 8709 of the Family Code. At the expiration of  
18 this period, another hearing shall be held and the court shall  
19 proceed pursuant to paragraph (1) or (3) of subdivision (b). For  
20 purposes of this section, a child may only be found to be difficult  
21 to place for adoption if there is no identified or available  
22 prospective adoptive parent for the child because of the child's  
23 membership in a sibling group, or the presence of a diagnosed  
24 medical, physical, or mental handicap, or the child is the age of  
25 seven years or more.

26 (4) (A) If the court finds that adoption of the child or  
27 termination of parental rights is not in the best interest of the  
28 child, because one of the conditions in subparagraph (A), (B),  
29 (C), (D), or (E) of paragraph (1) or in paragraph (2) applies, the  
30 court shall either order that the present caretakers or other  
31 appropriate persons shall become legal guardians of the child or  
32 order that the child remain in long-term foster care. Legal  
33 guardianship shall be considered before long-term foster care, if  
34 it is in the best interests of the child and if a suitable guardian can  
35 be found. A child who is 10 years of age or older who is placed  
36 in a group home for six months or longer from the date the child  
37 entered foster care, shall be asked to identify any individuals,  
38 other than the child's siblings, who are important to the child, in  
39 order to identify potential guardians. The agency may ask any  
40 other child to provide that information, as appropriate.

1 (B) If the child is living with a relative or a foster parent who  
2 is willing and capable of providing a stable and permanent  
3 environment, but not willing to become a legal guardian, the  
4 child shall not be removed from the home if the court finds the  
5 removal would be seriously detrimental to the emotional  
6 well-being of the child because the child has substantial  
7 psychological ties to the relative caretaker or foster parents.

8 (C) The court shall also make an order for visitation with the  
9 parents or guardians unless the court finds by a preponderance of  
10 the evidence that the visitation would be detrimental to the  
11 physical or emotional well-being of the child.

12 (5) If the court finds that the child should not be placed for  
13 adoption, that legal guardianship shall not be established, and  
14 that there are no suitable foster parents except exclusive-use  
15 homes available to provide the child with a stable and permanent  
16 environment, the court may order the care, custody, and control  
17 of the child transferred from the county welfare department to a  
18 licensed foster family agency. The court shall consider the  
19 written recommendation of the county welfare director regarding  
20 the suitability of the transfer. The transfer shall be subject to  
21 further court orders.

22 The licensed foster family agency shall place the child in a  
23 suitable licensed or exclusive-use home that has been certified by  
24 the agency as meeting licensing standards. The licensed foster  
25 family agency shall be responsible for supporting the child and  
26 providing appropriate services to the child, including those  
27 services ordered by the court. Responsibility for the support of  
28 the child shall not, in and of itself, create liability on the part of  
29 the foster family agency to third persons injured by the child.  
30 Those children whose care, custody, and control are transferred  
31 to a foster family agency shall not be eligible for foster care  
32 maintenance payments or child welfare services, except for  
33 emergency response services pursuant to Section 16504.

34 (d) The proceeding for the appointment of a guardian for a  
35 child who is a dependent of the juvenile court shall be in the  
36 juvenile court. If the court finds pursuant to this section that legal  
37 guardianship is the appropriate permanent plan, it shall appoint  
38 the legal guardian and issue letters of guardianship. The  
39 assessment prepared pursuant to subdivision (g) of Section 361.5,  
40 subdivision (i) of Section 366.21, and subdivision (b) of Section

1 366.22 shall be read and considered by the court prior to the  
2 appointment, and this shall be reflected in the minutes of the  
3 court. The person preparing the assessment may be called and  
4 examined by any party to the proceeding.

5 (e) The proceeding for the adoption of a child who is a  
6 dependent of the juvenile court shall be in the juvenile court if  
7 the court finds pursuant to this section that adoption is the  
8 appropriate permanent plan and the petition for adoption is filed  
9 in the juvenile court. Upon the filing of a petition for adoption,  
10 the juvenile court shall order that an adoption hearing be set. The  
11 court shall proceed with the adoption after the appellate rights of  
12 the natural parents have been exhausted. The full report required  
13 by Section 8715 of the Family Code shall be read and considered  
14 by the court prior to the adoption and this shall be reflected in the  
15 minutes of the court. The person preparing the report may be  
16 called and examined by any party to the proceeding. It is the  
17 intent of the Legislature, pursuant to this subdivision, to give  
18 potential adoptive parents the option of filing in the juvenile  
19 court the petition for the adoption of a child who is a dependent  
20 of the juvenile court. Nothing in this section is intended to  
21 prevent the filing of a petition for adoption in any other court as  
22 permitted by law, instead of in the juvenile court.

23 (f) At the beginning of any proceeding pursuant to this section,  
24 if the child or the parents are not being represented by previously  
25 retained or appointed counsel, the court shall proceed as follows:

26 (1) In accordance with subdivision (c) of Section 317, if a  
27 child before the court is without counsel, the court shall appoint  
28 counsel unless the court finds that the child would not benefit  
29 from the appointment of counsel. The court shall state on the  
30 record its reasons for that finding.

31 (2) If a parent appears without counsel and is unable to afford  
32 counsel, the court shall appoint counsel for the parent, unless this  
33 representation is knowingly and intelligently waived. The same  
34 counsel shall not be appointed to represent both the child and his  
35 or her parent. The public defender or private counsel may be  
36 appointed as counsel for the parent.

37 (3) Private counsel appointed under this section shall receive a  
38 reasonable sum for compensation and expenses, the amount of  
39 which shall be determined by the court. The amount shall be paid  
40 by the real parties in interest, other than the child, in any

1 proportions the court deems just. However, if the court finds that  
2 any of the real parties in interest are unable to afford counsel, the  
3 amount shall be paid out of the general fund of the county.

4 (g) The court may continue the proceeding for not to exceed  
5 30 days as necessary to appoint counsel, and to enable counsel to  
6 become acquainted with the case.

7 (h) (1) At all proceedings under this section, the court shall  
8 consider the wishes of the child and shall act in the best interests  
9 of the child.

10 (2) In accordance with Section 349, the child shall be present  
11 in court if the child or the child's counsel so requests or the court  
12 so orders. If the child is 10 years of age or older and is not  
13 present at a hearing held pursuant to this section, the court shall  
14 determine whether the minor was properly notified of his or her  
15 right to attend the hearing and inquire as to the reason why the  
16 child is not present.

17 (3) (A) The testimony of the child may be taken in chambers  
18 and outside the presence of the child's parent or parents, if the  
19 child's parent or parents are represented by counsel, the counsel  
20 is present, and any of the following circumstances exist:

21 (i) The court determines that testimony in chambers is  
22 necessary to ensure truthful testimony.

23 (ii) The child is likely to be intimidated by a formal courtroom  
24 setting.

25 (iii) The child is afraid to testify in front of his or her parent or  
26 parents.

27 (B) After testimony in chambers, the parent or parents of the  
28 child may elect to have the court reporter read back the testimony  
29 or have the testimony summarized by counsel for the parent or  
30 parents.

31 (C) The testimony of a child also may be taken in chambers  
32 and outside the presence of the guardian or guardians of a child  
33 under the circumstances specified in this subdivision.

34 (i) Any order of the court permanently terminating parental  
35 rights under this section shall be conclusive and binding upon the  
36 child, upon the parent or parents and upon all other persons who  
37 have been served with citation by publication or otherwise as  
38 provided in this chapter. After making the order, the court shall  
39 have no power to set aside, change, or modify it, but nothing in

1 this section shall be construed to limit the right to appeal the  
2 order.

3 (j) If the court, by order or judgment, declares the child free  
4 from the custody and control of both parents, or one parent if the  
5 other does not have custody and control, the court shall at the  
6 same time order the child referred to the State Department of  
7 Social Services or a licensed adoption agency for adoptive  
8 placement by the agency. However, a petition for adoption may  
9 not be granted until the appellate rights of the natural parents  
10 have been exhausted. The State Department of Social Services or  
11 licensed adoption agency shall be responsible for the custody and  
12 supervision of the child and shall be entitled to the exclusive care  
13 and control of the child at all times until a petition for adoption is  
14 granted, except as specified in subdivision (n). With the consent  
15 of the agency, the court may appoint a guardian of the child, who  
16 shall serve until the child is adopted.

17 (k) Notwithstanding any other provision of law, the  
18 application of any person who, as a relative caretaker or foster  
19 parent, has cared for a dependent child for whom the court has  
20 approved a permanent plan for adoption, or who has been freed  
21 for adoption, shall be given preference with respect to that child  
22 over all other applications for adoptive placement if the agency  
23 making the placement determines that the child has substantial  
24 emotional ties to the relative caretaker or foster parent and  
25 removal from the relative caretaker or foster parent would be  
26 seriously detrimental to the child's emotional well-being.

27 As used in this subdivision, "preference" means that the  
28 application shall be processed and, if satisfactory, the family  
29 study shall be completed before the processing of the application  
30 of any other person for the adoptive placement of the child.

31 (l) (1) An order by the court that a hearing pursuant to this  
32 section be held is not appealable at any time unless all of the  
33 following applies:

34 (A) A petition for extraordinary writ review was filed in a  
35 timely manner.

36 (B) The petition substantively addressed the specific issues to  
37 be challenged and supported that challenge by an adequate  
38 record.

39 (C) The petition for extraordinary writ review was summarily  
40 denied or otherwise not decided on the merits.

(2) Failure to file a petition for extraordinary writ review within the period specified by rule, to substantively address the specific issues challenged, or to support that challenge by an adequate record shall preclude subsequent review by appeal of the findings and orders made pursuant to this section.

(3) The Judicial Council shall adopt rules of court, effective January 1, 1995, to ensure all of the following:

(A) A trial court, after issuance of an order directing a hearing pursuant to this section be held, shall advise all parties of the requirement of filing a petition for extraordinary writ review as set forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall be made orally to a party if the party is present at the time of the making of the order or by first-class mail by the clerk of the court to the last known address of a party not present at the time of the making of the order.

(B) The prompt transmittal of the records from the trial court to the appellate court.

(C) That adequate time requirements for counsel and court personnel exist to implement the objective of this subdivision.

(D) That the parent or guardian, or their trial counsel or other counsel, is charged with the responsibility of filing a petition for extraordinary writ relief pursuant to this subdivision.

(4) The intent of this subdivision is to do both of the following:

(A) Make every reasonable attempt to achieve a substantive and meritorious review by the appellate court within the time specified in Sections 366.21 and 366.22 for holding a hearing pursuant to this section.

(B) Encourage the appellate court to determine all writ petitions filed pursuant to this subdivision on their merits.

(5) This subdivision shall only apply to cases in which an order to set a hearing pursuant to this section is issued on or after January 1, 1995.

(m) Except for subdivision (j), this section shall also apply to minors adjudged wards pursuant to Section 727.31.

(n) (1) Notwithstanding Section 8704 of the Family Code or any other provision of law, the court, at a hearing held pursuant to this section or anytime thereafter, may designate a current caretaker as a prospective adoptive parent if the child has lived with the caretaker for at least six months, the caretaker currently

1 expresses a commitment to adopt the child, and the caretaker has  
2 taken at least one step to facilitate the adoption process. In  
3 determining whether to make that designation, the court may take  
4 into consideration whether the caretaker is listed in the  
5 preliminary assessment prepared by the county department in  
6 accordance with subdivision (i) of Section 366.21 as an  
7 appropriate person to be considered as an adoptive parent for the  
8 child and the recommendation of the State Department of Social  
9 Services or licensed adoption agency.

10 (2) For purposes of this subdivision, steps to facilitate the  
11 adoption process include, but are not limited to, the following:

12 (A) Applying for an adoption homestudy.

13 (B) Cooperating with an adoption homestudy.

14 (C) Being designated by the court or the licensed adoption  
15 agency as the adoptive family.

16 (D) Requesting de facto parent status.

17 (E) Signing an adoptive placement agreement.

18 (F) Engaging in discussions regarding a postadoption contact  
19 agreement.

20 (G) Working to overcome any impediments that have been  
21 identified by the State Department of Social Services and the  
22 licensed adoption agency.

23 (H) Attending classes required of prospective adoptive  
24 parents.

25 (3) Prior to a change in placement and as soon as possible after  
26 a decision is made to remove a child from the home of a  
27 designated prospective adoptive parent, the agency shall notify  
28 the court, the designated prospective adoptive parent *or the*  
29 *current caretaker, if that caretaker would have met the threshold*  
30 *criteria to be designated as a prospective adoptive parent*  
31 *pursuant to paragraph (1) on the date of service of this notice,*  
32 the child's attorney, and the child, if the child is 10 years of age  
33 or older, of the proposal in the manner described in Section  
34 16010.6.

35 (A) ~~Within seven court days or 10 five court days or seven~~  
36 ~~calendar days, whichever is longer, of the date of notification, the~~  
37 ~~child, the child's attorney, or the designated prospective adoptive~~  
38 ~~parent may file a petition with the court objecting to the proposal~~  
39 ~~to remove the child, or the court, upon its own motion, may set a~~  
40 ~~hearing regarding the proposal. *✗ The court may, for good cause,*~~

1 *extend the filing period. A caretaker who would have met the*  
2 *threshold criteria to be designated as a prospective adoptive*  
3 *parent pursuant to paragraph (1) on the date of service of the*  
4 *notice of proposed removal of the child may file, together with*  
5 *the petition under this subparagraph, a petition for an order*  
6 *designating the caretaker as a prospective adoptive parent for*  
7 *purposes of this subdivision.*

8 *(B) A hearing ordered pursuant to this paragraph shall be held*  
9 *as soon as possible and not later than five court days after the*  
10 *petition is filed with the court or the court sets a hearing upon its*  
11 *own motion, unless the court for good cause is unable to set the*  
12 *matter for hearing five court days after the petition is filed, in*  
13 *which case the court shall set the matter for hearing as soon as*  
14 *possible. At the hearing, the court shall determine whether the*  
15 *caretaker has met the threshold criteria to be designated as a*  
16 *prospective adoptive parent pursuant to paragraph (1), and*  
17 *whether the proposed removal of the child from the home of the*  
18 *designated prospective adoptive parent is in the child's best*  
19 *interest, and the child may not be removed from the home of the*  
20 *designated prospective adoptive parent unless the court finds that*  
21 *removal is in the child's best interest. If the court determines that*  
22 *the caretaker does not meet the threshold criteria to be*  
23 *designated as a prospective adoptive parent on the date of*  
24 *service of the notice of proposed removal of the child, the*  
25 *petition objecting to the proposed removal filed by the caretaker*  
26 *shall be dismissed. If the caretaker was designated as a*  
27 *prospective adoptive parent prior to this hearing, the court shall*  
28 *inquire into any progress made by the caretaker towards the*  
29 *adoption of the child since the caretaker was designated as a*  
30 *prospective adoptive parent.*

31 ~~(B)~~

32 *(C) A determination by the court that the caretaker is a*  
33 *designated prospective adoptive parent pursuant to paragraph*  
34 *(1) or subparagraph (B) does not make the caretaker a party to*  
35 *the dependency proceeding nor does it confer on the caretaker*  
36 *any standing to object to any other action of the department or*  
37 *licensed adoption agency, unless the caretaker has been declared*  
38 *a de facto parent by the court prior to the notice of removal*  
39 *served pursuant to paragraph (3).*

1 (D) If a petition objecting to the proposal to remove the child  
2 is not filed, and the court, upon its own motion, does not set a  
3 hearing, the child may be removed from the home of the  
4 designated prospective adoptive parent without a hearing.

5 (4) Notwithstanding paragraph (3), if the State Department of  
6 Social Services or a licensed adoption agency determines that the  
7 child must be removed from the home of the *caretaker who is or*  
8 *may be* a designated prospective adoptive parent immediately,  
9 due to a risk of physical or emotional harm, the agency may  
10 remove the child from that home and is not required to provide  
11 notice prior to the removal. However, as soon as possible and not  
12 longer than two court days after the removal, the agency shall  
13 notify the court, the *caretaker who is or may be* a designated  
14 prospective adoptive parent, the child's attorney, and the child, if  
15 the child is 10 years of age or older, of the removal. Within ~~seven~~  
16 ~~court days or 10~~ *five court days or seven* calendar days,  
17 whichever is longer, of the date of notification of the removal,  
18 the child, the child's attorney, or the *caretaker who is or may be*  
19 *a* designated prospective adoptive parent may petition for, or the  
20 court on its own motion may set, a noticed hearing pursuant to  
21 paragraph (3). *The court may, for good cause, extend the filing*  
22 *period.*

23 (5) *Except as provided in subdivision (b) of Section 366.28, an*  
24 *order by the court issued after a hearing pursuant to this*  
25 *subdivision shall not be appealable.*

26 (6) Nothing in this section shall preclude a county child  
27 protective services agency from fully investigating and  
28 responding to alleged abuse or neglect of a child pursuant to  
29 Section 11165.5 of the Penal Code.

30 (7) *The Judicial Council shall prepare forms to facilitate the*  
31 *filing of the petitions described in this subdivision, which shall*  
32 *become effective on January 1, 2006.*